THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5299 of 2006

Dated:19.02.2007

Between:

Sri Parsa Anantha Ramaiah Brothers Religious and Endowment Trust.

…Petitioner

and

The Commissioner of Endowments and others.

…Respondents

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WRIT PETITION No.5299 of 2006

ORDER:

Sri Parsa Anantha Ramaiah Brothers Religious and Endowment Trust (hereinafter called, the Trust) seeks a writ of mandamus declaring the inaction of respondents 1 to 3 herein in removing the fourth respondent as the Manager of the petitioner-Trust as illegal and arbitrary and for a consequential direction to that effect.

It is the case of the petitioner that the Trust owns an extent of Acs.780.00 of land at Yellandu of Khammam District, besides owning rent earning mulgies at Khammam Town. The fourth respondent took charge as Manager of the Trust eight months prior to filing of the Writ Petition and as alleged by the petitioner-Trust, he failed to perform duties properly and failed to collect rentals from the tenants. It is also alleged that he did not maintain the cashbook and details of collections by the Trust and failed to remit the amounts to the account of Trust. On 14.11.2005, the founder trustee gave a complaint to the third respondent besides sending copies thereof to respondents 1 and 2. As no action was taken, the founder trustee issued a show cause notice dated 27.11.2005 to the fourth respondent pointing out various lapses. A reply was sent on 30.11.2005 by the fourth respondent, but the relevant account books were not produced in spite of a direction by the Deputy Commissioner of Endowments, Warangal. The petitioner-

Trust pursued the matter with the Officials of the Endowments Department further, in vain, and filed the present Writ Petition.

At the stage of admission itself, the third respondent filed a counter affidavit. It is stated that the complaint given by the petitioner was directed by the first respondent to the Deputy Commissioner, Warangal, that the second respondent submitted a report dated 07.07.2006 to the effect that the fourth respondent failed to evince interest in the management of the Trust, and that he failed to collect the lease amounts, as a result of which, the Trust is put to loss. The Deputy Commissioner, therefore, opined that the fourth respondent should be removed as Manager of the Trust. The counter affidavit further refers to the orders issued by the first respondent for removing the fourth respondent as Manager and repatriating to the parent Institution. Therefore, insofar as the grievance of the petitioner is concerned, is sufficiently redressed. Insofar as the other allegations made by the petitioner-Trust against the fourth respondent are concerned, it is still open to the petitioner-Trust to approach the jurisdictional Assistant Commissioner of Endowments for taking necessary action against the fourth respondent, who is alleged to have committed acts of malfeasance and misfeasance.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.02.2007
vs